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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 STERLING ATKINS,

9 Petitioner,

2:02-cv-01348-JCM-PAL

10 vs.

ORDER

11 TIMOTHY FILSON *et al.*,

12 Respondents.
13 _____/

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15 The petitioner in this capital habeas corpus action, Sterling Atkins, filed a fourth amended
16 habeas petition on August 26, 2016 (ECF No. 183). Respondents filed a motion to dismiss
17 on December 22, 2016 (ECF No. 192). Atkins is due to respond to the motion to dismiss by
18 February 21, 2017. *See* Order entered August 10, 2015 (ECF No. 167) (60 days for response)
19 (February 20 is a holiday).

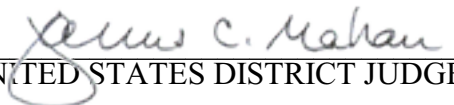
20 On February 13, 2017, Atkins filed a motion for an extension of time (ECF No. 197),
21 requesting an extension of time to April 21, 2017, a 59-day extension, for his response to the motion
22 to dismiss. This would be the first extension of this deadline. Atkins' counsel states that the
23 extension of time is necessary because of the complexity of the motion to dismiss, and his
24 obligations in other cases. Respondents do not oppose the motion for extension of time. The court
25 finds that Atkins' motion for extension of time is made in good faith and not solely for the purpose
26 of delay, and that there is good cause for the extension of time requested.

1 The court will grant the motion for extension of time. However, in light of the amount of
2 time Atkins will have had to respond to the motion to dismiss (some 120 days), *the court will not*
3 *look favorably upon any motion to further extend this deadline.*

4 **IT IS THEREFORE ORDERED** that petitioner's Motion for Extension of Time (ECF
5 No. 197) is **GRANTED**. Petitioner shall have until April 21, 2017, to respond to the motion to
6 dismiss (ECF No. 192).

7 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
8 proceedings set forth in the order entered August 10, 2016 (ECF No. 167) shall remain in effect.

9 Dated February 16, 2017.

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12 UNITED STATES DISTRICT JUDGE
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